

The new EU Support Hub for Internal Security and Border Management in Moldavia: Boosting EU Domestic Security Through Anti-Trafficking Framework

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One support hub for several illicit trafficking issues

The war of aggression launched by the Federation of Russia against Ukraine has not only raised the risk of projected threats from less than 1000 km of EU's external borders. It also raised concerns about threats projected on internal affairs, national security and interest within EU Member States national borders. The main concern is about the capacities of the EU block to face the consequences this war implies regarding domestic and regional security. Although this war set the conditions encouraging the increased emergence of national security risks, the EU quickly reacted to tackle issues stemming from it. They relied on organised crimes activities like document forgery or money laundering but mostly on trafficking risks (i.e arms, human beings, cultural objects, drugs). The complex process and structure of those trafficking network and activities - spread and established across EU's, member states' and third states' borders (especially Moldavia) - could weaken members states' national security and then, EU's internal security and stability. That explains the support hub will focus on six main areas based on risk and threat identified, including firearms trafficking, migrant smuggling, and trafficking of human beings. Still, the situation urges the EU and its member states to find short terms solutions to ensure protection and security. Facing new specific challenges merging from the war, this support hub could play a significant role for the benefit of the EU fight against illicit trafficking, notably human being and mostly for arms. A bis repetita of the ex-Yugoslavia conflict 30 years ago is a scenario that appears to be more and more likely.

Diversion, shadows brokering, unauthorised retransfers, poorly watched stockpiles, destabilising accumulation, the complexity of keeping transparent accounts of stocks in wartime and the propensity for popular self-defence after armed conflicts, all lead to uncontrolled proliferation and dangerous expansion, which in fine encourage illegal arms trafficking following the channels of illicit trafficking throughout West and South-West of Europe (HUDSON, 2022). While the EU are still trying to curb this issues (European Commission, 2020) the massive and various support from the West raise the question if it will contribute to the risks of uncontrolled dissemination of weapons in this trafficking hub (SPRENGER.S, 2022).

Still, this support hub seems to be the first large-scale post-Ukraine conflict framework which, among others, could help to address emerging issues related to the war, such as the tracking of military equipment and technologies, recently sent to Ukraine and reinforce the existent framework to fight illicit arms trafficking in the direction of EU soil or even on it.

A new brick to previous initiatives for short terms solutions to human being trafficking

While potentially helpful for anti-arms trafficking action, this new initiative is firstly deeply rooted in the EU's longtime commitment to migration crisis management and was shaped regarding the new development of events, notably specific risks about human being trafficking due to the war in Ukraine, but also regarding previous action on the human trafficking matter. Although the issue of human trafficking was addressed in previous initiatives and strategies, such as the EU Anti-trafficking Directive (European Parliament and the Council, 2011), and the EU Strategy on Combatting Trafficking in Human Beings 2021-2025 COM(2021) 171 final (European Commission 2021), the new support hub in some ways extends, previous actions taken in this matter.

Tackling the risk of humans trafficked in the light of the Ukraine war appears to be one of the very first and major issue of this support hub. Aim is to guarantying a safe welcoming of a substantial number of refugees fleeing the war (i.e. between 6 and more than 7 million) internally and abroad combined only within the first month of the war (International Organisation for Migrations, 2022), including 3,7 million crossing the EU's external border (United-Nations High Commissioner for Refugees, 2022) to be registered for temporary protection or similar EU's protection Mechanism, notably EU's civil protection mechanism and the Directive for temporary protection (Council Directive, 2001), pushing the total of border crossing since 24 February 2022 to more than 10 million, approximatively one quarter of the total population.

During an extraordinary Council of Justice and Home Affairs Minister meeting on 25 March 2022 and chaired by the French Home Affairs Minister Gérald Darmanin, ministers discussed external borders control and security issues and the welcoming refugees. The aim was to find an emergency solution to reinforce the EU's coordination in the welcoming of people fleeing the war and tackle the risk of human being trafficking (Extraordinary session of the Council of the European Union, 2022). Then the European Commission (through the Commissioner for Home Affairs, Ylva Johansson) and the Vice-President for Promoting our European Way of Life, Margaritis Schinas, announced a ten-point plan for stronger European cooperation welcoming peoples fleeing war (European Commission press corner, 2022). Point six emphasises the need to develop a shared anti-trafficking plan and lead to adopt a Common Anti-Trafficking Plan to address the risks of trafficking in human beings and support potential victims among those fleeing the war in Ukraine (European Commission Anti-Trafficking Plan, 2022). Point nine addresses the internal security implications of the war in Ukraine, calling for better cooperation between member states through various frameworks or fora, like the European Multidisciplinary Platform Against Criminal Threats (EMPACT), but also between EU's agencies (Europol, Eurojust).

In this context, the 11 and 12 July 2022 at 11:45 pm, a new EU Support Hub for Internal Security and Border Management in Moldova was launched under the Czech Presidency of the Council of the European Union (Informal Meeting of Justice Home Affairs Ministers, 2022). Still, this initiative keeps a prominent place in Moldova, whose strategic role in the coming years will increase regarding the newly consolidation of its European perspective.

Potential reinforcement of EU's illicit arms trafficking action in Eastern and South-Eastern Europe

Another major threat is the well-known illicit arms trafficking activities carried on by transitional organised crime groups. As seen previously, firearms trafficking will be one of the main areas this support hub will be focused on. In its opinion, the Commission remind that on the External relation cluster, Moldova's ability to assume the obligations of the membership fully is still fragile. Moldova must further enhance cooperation in the area of Common Security and Defence Policy (CSDP) and increase convergence with CSDP on all EU positions, including on illicit arms trafficking.

While the amount of available conventional weapons never stops to increase in the conflict phase, many feared this lead to huge proliferation during the post-conflict phase (Laurent Lagneau, 2022). As the EU was already proactive on illicit arms trafficking in the Balkans and Eastern and South-east Europe, questions were raised about the risk of efforts duplication and then the efficiency of such initiative considering what had already been done. EU has already spread its own influence through sectorial initiatives. EU deploys actions dealing with non-proliferation and trade control issues in general, disseminating and promoting its export control regime and its principles to its neighbours, while promoting and disseminating the objectives and criteria of the Arms Trade Treaty ATT. Beneficiary third states of those initiative include Moldova (Council Decision (CSFP) 2020/794, 2020 and Council Decision (CSFP) 2020/1464, 2020). One would see this support hub as a new coercive tool added to existing and pointing to similar objectives but introducing a more bilatéral cooperative-based approach making Moldova a more prominent place, allowing it to manoeuvre beyond basic technical and financial assistance already provides.

The key role of Moldova in line with his European perspectives: A reinforcement of his integration through deeper cooperation

In a decision of the European Council that will go down in EU's history, Moldova has granted candidate statute in the European Council resolution EUCO24/22 (i.e. point 11, European Council 2022). Earlier in his Opinion on Moldova's application to the EU (European Commission Opinion, 2022), the Commission stated that the country's geographical position put him in both a critical and strategical place. It said that « Moldova is located at an important crossroads for smuggling of persons and illegal goods [including drugs and arms] to the EU. Moldova is a source, transit and destination for trafficking [...] » (i.e. 1.3 « Rule of law », c),§3).

Many aspects of this initiative could be a starter for Moldova to accelerate its transition toward EU standards. The decision to locate the support hub's Head Quarters in Chişinău; the EU requirements for a full cooperation of Moldovan authorities with the EU's, its agencies and programs, will certainly pressure Moldovan Government to show a significant engagement and a compliance approach with Copenhagen criteria, as the European Council noted in his June decision that « each country's progress towards the European Union will depend on its own merits » (European Council, 2022). It will also force Moldova to push further its effort to comply with Commission's requirements stated in it's Opinion that « further significant efforts to investigate wider organised crime networks are needed [by Moldova] » (i.e. 1.3 « Rule of law », c),§4, European Commission Opinion, 2022). As the Commissioner for Home Affairs, Ylva Johansson said: « the launch of the EU Support Hub for Internal Security and Border Management in Moldova [will] take the cooperation to the next level to address related security threats. The support hub will enhance our joint operational action [on] the challenges posed by organised crime, and will also help Moldova to participate in our EU tools and instruments on internal security » (European Commission press corner, 2022).

Finally, Moldova is now a long-time key third state partner of the EU, and they both contractually enter into a cooperation relationship on different levels. This new support hub and previous agreement-based relationship will feed each other and, in some way, helps parties to fulfill better some of their mutual obligations from the partnership and association agreement. It will tighten relations in several keys areas, and since the major framework for association aims to enhancing cooperation in the field of good governance, security and justice. There is no doubt about the ability of this initiative (that aim to support and strengthen authorities' capacities in law enforcement and border management) to helps move forward this relationship. Moldavia acquires a strategic partners role among various frameworks, like association agreement, agenda, EU's and its bodies and agencies technical and financial assistance and support, the extension of Moldova's participation to EU's programs, working and cooperation agreements, memoranda of understanding (i.e. A.b) §1-14, pp.2-4 European Commission Opinion, 2022).

For instance, since 1998, they entered into a binding association partnership (Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Moldova). It was extended and reviewed in 2014 (Association agreement between the European Union and the European Atomic Energy Community and their member states of one part, and the Republic of Moldova, of the other part). The Council noticed in his 2014 decision of signing (Council Decision, 2014) the progressive links between the parties that became with years « closer ». It also noted they desire to strengthen and widen relations ambitiously and innovatively (i.e. whereas 2). This resulted in strong binding commitment (notably on arms and human being trafficking, i.e. article 10 and 14 to 18) in the 2014 final agreement where parties stated their « common wish [...] to develop, strengthen and expand their relationship ». In the article 2 « general principles », they « reaffirm their respect for the principles of the rule of law and good governance » and « commit themselves to foster cooperation and good neighbourly relations, including cooperation on the development of projects of common interest » notably on international organized crime. This initiative strengthen the long time commitment of the parties and constitutes a new framework to enhance and development their relations and cooperation while contributing to regional peace and stability.

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